

PAIA HELD BIG PICNIC

Kept July Fourth With Various Sports.

MAUI, July 9.—The elaborate program arranged for the celebration of the Fourth of July on Central Maui was duly and most successfully carried out, large numbers of people witnessing the different events.

At Spreckels' Park, Kahului, though a strong wind blackened the faces of the spectators with dust and sand, the well-contested races and the sweet music of Berger's band delighted the multitude of people assembled in the grandstand and vicinity.

The black racer Cyclone was the star of the occasion, winning most easily in the trotting and pacing events over Sambo, Denny Healy, and Billy Lemp.

The polo pony race was not filled. Piholo won in the mule race with Tomi-Tomi second, and Haleakala Ranch vaqueros easily took the cowboy relay race (one and one-half mile dash, horses, saddles and bridles to be changed every half mile. Purse, \$50).

In the afternoon at Wells' Park, Wailuku, a vast crowd of people cheered themselves hoarse for the All-Maui nine who vanquished Punahou at baseball by the score of 12 to 8. Here again the Territorial musicians delighted Maui people with melody.

In the evening, in front of the Puunene clubhouse, Bandmaster Berger and his 20 assistants gave a fine concert in the presence of the third large assemblage of the day.

By the courtesy of the Kahului R. R. Co. free trains conveyed people from Wailuku, Kahului, Paia, Kihel, etc., to and from the scene of the musical festivity. Dancing was indulged in within the club rooms. The band departed for Honolulu in the steamer Likelike at 10 o'clock p. m., bearing away with it the gratitude of Maui people.

PICNIC AT PAIA.

Despite light showers which came and went during the day, between 600 and 800 people heartily enjoyed the Fourth of July picnic at Sunnyside, Paia. The large gathering was a cosmopolitan one, the Anglo-Saxon, the Hawaiian, the Portuguese, the Japanese, the Porto Rican, all took much pleasure in the outing commemorating the Declaration of Independence of 1776.

The ball game on the polo grounds in the morning between the Maui Agricultural Co.'s and Hawaiian Commercial & Sugar Co.'s nines was well contested and therefore most interesting. The batteries of both sides were excellent and about equal in efficiency. The Puunene men excelled in team work and batting, showing the result of practice. The Makawao men had never played together before.

The players for the H. C. & S. Co. were: Henderson, 3d b.; W. Lougher, 2nd b.; Vasconcellos, s.; W. Horner, c.; J. King, p.; W. Seale, c.f.; McGurro, l.f.; Chas. Daniels, r.f.; and Westcott, 1st b.

For M. A. Co.: Joe Pa, p.; Jas. Kauka, c.; Halemano, s.; Robinson, 1st b.; C. C. Krumbhaar (capt.), 2nd b.; Joe Taylor, 3d b.; D. C. Lindsay, l.f.; W. O. Aiken, c.f.; and Geo. Wilbur, r.f.

The game was especially exciting and the crowd most enthusiastic in the first half of the 9th inning, when Paia and Hamakua players nearly tied their opponent. The record by innings was as follows:

M. A. Co. 3 0 1 0 0 3 0 0 5—12
H. C. & S. Co. 4 3 0 0 1 4 0 1—13

W. Seabury and Hugh Howell were the umpires, and Ed. Peck the scorer of the occasion.

After a bountiful spread under the trees of the Sunnyside residence, the crowd wandered back to the polo grounds to witness the tilting, for rings contest, the winner of which to bear away a beautiful silver cup presented by three members of the polo club, H. A. Baldwin, F. F. Baldwin and C. C. Krumbhaar.

The rings were hung from the ends of horizontal bars attached to the top of tall posts. There were three of these frame-works in a row so it was possible for a rider to secure 9 rings in the three trials allowed. The first trial had to be run in 9 seconds, the second in eight, and the third in seven. The lances used in this tournament were long poles, tapering, round, and smooth. The competing horsemen were J. B. Thompson, W. Lougher, H. A. Baldwin, F. F. Baldwin, C. C. Krumbhaar, John Fleming, F. W. Schultz, J. N. S. Williams, T. Nielsen, L. von Tempky, Joe Taylor and others. J. B. Thompson and John Fleming tied with a record of four rings each. They tied again in another 7-second spurt, but on the third trial, Thompson obtained two rings to Fleming's one. The trophy was presented to Mr. Thompson by Mrs. H. A. Baldwin. The cup is to be contested for annually and becomes the property of the man winning it twice out of three times.

At 3 p. m., after the tilting, there was a big polo game between the "Reds" and the "Yellows." The play was "fast and furious," the ball being rapidly advanced from one goal to the

other. Each side obtained three goals. There were four periods of play of 12 minutes each, with five-minute intervals:

Reds 0 1 1 1—3 Goals
Yellows 0 1 0 2—3 Goals

Inasmuch as the "Yellows" hit a safety across their line, the game was given to the "Reds," 3 to 2 3-4.

The men who played were:
Yellows—F. F. Baldwin, Geo. Wilbur, H. A. Baldwin, C. C. Krumbhaar, G. S. Aiken and Ed. Peck.

Reds—L. von Tempky, W. O. Aiken, D. C. Lindsay, Joe Taylor, J. B. Thompson and W. Engle.

Some of the players took part only in one or two periods.
Besides baseball, tilting and polo, the tennis court was in use during all of the holiday.

NOTES.

The steamer Nebraskan arrived in Kahului yesterday morning and will depart today for Kanaapali on its way to Delaware Breakwater via Cape Horn.

In shipping bananas to California from Maui great care should be taken that each bunch is well wrapped. A recent shipment of the fruit from Kahului, being not sufficiently protected with wrappings, turned black and spoiled from the rubbing and exposure to the sea air. Unless much attention is paid to this, the shipper will be "out of pocket."

Saturday night the 2nd, the Republican Precinct Club of Hana held another meeting at the courthouse to decide the matter of tie votes for president and judge of election. All factional differences were smoothed over and everybody satisfied at the choice of Hon. W. P. Haia for president and K. Kalama for election judge.

The Republican executive of the island held a meeting on the 7th at Paia plantation office, but owing to a meager attendance of members important business was deferred until a later meeting.

In imitation of their Honolulu countrymen, the Portuguese citizens of Paia and Hamakua have formed a Republican club and held a meeting at Paia, Wednesday evening the 6th. This sort of an association seems to be unnecessary in such a sparsely settled community as Makawao district.

J. K. Hanuna, district magistrate of Hana, has recently resigned his position. His successor has not as yet been appointed.

Mrs. Luther Severance of Hilo has been the guest of Mrs. H. P. Baldwin of Puunene for several weeks.

Thursday the 7th, Mrs. F. W. Hardy of Makawao gave an afternoon tea in honor of Miss Harriet Austin of Honolulu. Progressive "pit" was the exciting diversion; the tally-cards being the heads of bulls and bears done in water-color. There were 38 ladies present.

The officers of Puunene plantation (H. C. & S. Co.) are arranging for another Harvest Home Festival, something surpassing even the famous festival of 1903. This time the grand ball—the dancing—will be in full view of the rank and file, the laboring people of the plantation.

The celebration of the ending of a most successful season will probably take place the evening of August 12th. During the day the Puunene Athletic Club will celebrate their first field day at Kahului. There will be polo and baseball as well as track athletics.

Robert Hogg, bookkeeper of Paia plantation, is confined to the house by a severe attack of rheumatism.

Mr. and Mrs. H. A. Baldwin and family of Hamakua are at Olinda House for a week.

Mr. and Mrs. J. M. Cox of Kauai and Miss Nina Adams of Honolulu are at Puuomale, Makawao.

Mrs. Mary E. Beckwith of Kaluanui departs for her parents' home in Ohio by today's Claudine.

The Maui Wine & Liquor Co. are paying a monthly dividend of two per cent.

Weather—The drought continued.

There Are Others.

The Advertiser is taking up the fight against certain companies who are operating on the Islands, and there is no question but that all the papers on the Islands should give more than passing notice to some of those companies. While the principles on which some of them are based are beyond criticism, and while some of the men interested in these companies are above reproach, still if the amount of money paid into these companies by subscribers who afterwards forfeit their advances were truly known, the result would be startling. There is a wrong somewhere in the matter which should be righted.—Maui News.

Judge Little Leaves.

The Hilo papers say that Judge Little left for the Coast on the Enterprise but will return and open an office. It is rumored here that he will go to Oklahoma, where his old side-partner, Galbraith, has preceded him, and try to connect with the Statehood movement.

CHRONIC DIARRHOEA.—For several years during the summer months I have been subject to looseness of the bowels, which quickly ran into a very bad diarrhoea and this trouble was frequently accompanied with severe pain and cramps. I used to call on doctors for my trouble but it became so regular a summer affliction that in my search for relief, I became acquainted with Chamberlain's Colic, Cholera and Diarrhoea Remedy, which proved so effective and so prompt that I came to rely exclusively upon it, and what also happily surprised me was that while it almost instantly relieved the cramps and stopped the diarrhoea, it never caused constipation. I always take a bottle of it with me when traveling. H. C. Hariman, Anamoo, Iowa, U. S. A. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., agents for Hawaii.

Governor Carter and several other Yale men sent a congratulatory message to Honolulu shortly after the late Mr. Carter's nomination at Chicago.

HOW HILO CELEBRATED THE FOURTH OF JULY

Military Parade, Literary Exercises and Sports The Fourth Elsewhere on Hawaii—Work of Agricultural Society.

HILO, July 8.—The celebration of the Fourth in Hilo was all that could be desired and the weather was made for the day. The celebration began with a procession by Company D, N. G. H., Captain Fetter in command.

Shortly after the close of the drill the crowd, or as many as could be seated, went to the pavilion where the literary exercises were held. E. N. Holmes announced the numbers, the first being a prayer by the Rev. S. L. Desha. Then came a selection by the Hilo band which was followed by the reading of the Declaration of Independence by the Rev. Curtis E. Shields. Under the leadership of Mrs. Jarrett T. Lewis a quartet, composed of that lady, Miss Lilinoe Hapal, A. H. Jackson and W. H. Beers, sang America and then Mr. Holmes introduced Chas. M. LeBlond as the orator of the day.

Directly literary exercises were finished the crowd proceeded to the Brughell Field where the athletic sports were to come off. It was not long until every point of vantage was taken and the tardy visitors were deprived of a chance to witness the fun. The program was a very long one and it was three hours before the end was reached. Some of the numbers were very amusing, both to the participants and the spectators.

At Hoolulu Park there was a big crowd to watch the baseball match and the races. The races were slow but the ball game made up for any shortcomings in that line. The Unions believed they would win hands down from the Railroad team and it looked for a time that they might do so, but at the end the score was favorable to the latter and the purse of fifty dollars went by agreement to the league committee.

The Union team was strengthened by the addition of Tootsy Cunha, one of the crack Honolulu players, but even he could not win the game from a team that allows nothing to interfere with regular practice.

THE HORSE RACES.

1. Three-eighths mile dash. So So, 1; Defender, 2; time, 36.
2. Half mile dash. Egyptian Princess, 1; So So, 2; time, 51½.
3. Half mile Hawaiian bred. G. H. R., 1; Kaulahlanano, 2; time, 53½.
4. Ponies under 14 hands, half mile. Nigger, 1; Sweet Pea, 2; time, 58½.
5. Mile and quarter. Defender, 1; Dixie Land, 2; time, 2:19½.
6. Japanese. Nigger, 1; Miss Tokio, 2; time, 1:01.
7. Three-quarter mile. Egyptian Princess, 1; Defender, 2; time, 1:18.
8. Gentlemen's riding, half mile. Burmingham with Kaulahlanano.
9. Relay race, three horses each rider, three miles, each horse to be ridden twice. Demattius, 1; John Ferreiro, 2.

BASEBALL MATCH.

Union Specials—Quini and P. Lewis, l.f.; Bento, 2b.; Cunha, 1b.; Espindola, r.f.; McCann, c.; Vannatta, c.f.; Medeiros, p.; Ragsdale, 3b.; Keanohou, ss. Runs, 5.
Hilo Railroad—W. Ioka, r.f.; G. Pahlo, c.f.; Kaulahlanano, l.f.; T. Nahlwa, 3b.; A. Naeole, 1b.; C. Green, 2b.; J. Mahelona, ss.; J. Williams, p.; H. Lilikane, c. Runs, 7.

TENNIS TOURNAMENT.

A three days' tennis tournament for the championship of the island of Hawaii ended on July 4. The gentlemen's singles were won by Dr. F. Irwin, taking the E. N. Holmes cup, which has to be won three times. Mrs. H. Patten won the ladies' singles, carrying the Hilo Tennis Club cup, to be won three times. The gentlemen's doubles were won by Dr. J. Grace and J. E. Metcalfe, and the mixed doubles by Mrs. Patten and Dr. Irwin.

FOURTH AT VOLCANO.

The Fourth at the Volcano House opened early with the booming of a cannon and the sharp explosions of firecrackers. Early in the forenoon the sun broke through the clouds and soon the guests at the hotel were planning trips to the crater, the fern forest, the koa grove and the many other places of interest and beauty in the vicinity of Kilauea. During the day the hotel was the scene of parties leaving for or returning from their excursions. The hotel had been decorated for the occasion. Its corridors and lanais were lined with leaves of the tree fern and festooned with the national colors.

After a dinner combining Hawaiian luscious with American cookery, the guests enjoyed a display of fireworks and later a dance.

Among the guests were Miss Holden, Miss Thomas, Mrs. Decota, O. H. Walker, Miss Baker, Miss Barlow, Miss Waddington, Miss Hobb, Miss Denison, Dr. and Mrs. Marola, Miss Alvirgh, W. A. Johnston, Miss Mille, J. Phillips, T. Ioni, Mr. and Mrs. Bonney, Mrs. and Miss Fehr, Mrs. and Miss Sedler, Mr. and Mrs. J. W. Mason and family, Mr. and Mrs. Hancock, J. H. Maguire, J. C. Lockhart, Mr. and Mrs. A. M. Van

son, Miss Rogers, Miss Vannatta, H. Rohriz, Mr. and Mrs. Isenberg and family, Mrs. Wagner, Mrs. Lewis, Miss Beckley, H. D. Cobb, J. Lishman, T. O. Wilson, A. G. Curtis.

FOURTH IN KAU.

The people of Kau district spent the Fourth very much the same as their friends in Hilo. There was a good game of ball on Sunday between the Mauna Loa's and a picked team of Kau boys. The score was 10 to 4 in favor of the Kau team. On Monday there was a game between nines from Naelehu and Waiohinu. The latter won by 10 to 3. On Monday night there was a dance in a pavilion erected especially for the purpose and the day ended in a delightful manner.

HILO AGRICULTURAL SOCIETY.
The meeting of the Hilo Agricultural Society at the office of Charles F. Farnaux last Saturday was quite enthusiastic and was well attended.

The Committee appointed to ascertain the number of pineapples actually planted and available for a cannery reported as follows:

Olaa and Mountain View, 51,930; Kaulaiki and Wainaku, 50,600; Kaumana, 25,600; Hilo and Vicinity, 10,000; Puna (estimate), 12,000; Papaikou and Honoumuli (estimate), 1,000.

The committee suggested that steps be taken toward establishing a cannery to take care of next season's crop and to promote an increase in planting.

The Committee on transportation reported favorably on the efforts made by the Matson Navigation Co. to meet the requirements of fruit-growers.

The method of wrapping bananas advocated by Mr. McAlaun is to tie the tips of the banana leaves used as wrappers to the bottom of bunch as it hangs then bring up the butt of each leaf putting plenty of soft packing underneath till all the leaves are brought up. Bananas must be well wrapped or they will not stand the necessary handling.

SCOTTISH SMOKER.

One of the most enjoyable meetings of the Burns' Club was held last Saturday evening at the club rooms in the Spreckels' Block, in the form of a gentlemen's smoker. Mr. Ramsay recited "The Cotter's Saturday Night" and "Tain O'Shanter." Mr. Rosen gave an excellent solo on the violin. Robt. Forbes of Hilo, Scott of Hakaia and McGillivray of Honouliuli gave some lively Highland flings upon their fiddles. John Fraser of Wainaku and Alex. Fraser of Amaulu sang a couple of Scotch songs, while Wm. Brien of Wainaku related some very clever anecdotes about Burns and told a couple of good Scotch stories. The evening ended with songs by Jas. M. Cameron and Mr. Lillico of Hakalau, the assemblage joining together in "Auld Lang Syne."

VARIOUS ITEMS.

A most enjoyable dinner was given last evening at Demosthenes Cafe by the Hilo Tennis Club men, consisting of H. Vicars, A. H. Jackson, C. A. Stobie, P. Peck, C. E. Wright, Dr. M. Wachs, E. C. Mellor, W. T. Baiding, E. N. Holmes, R. E. Baiding, T. Guard and W. L. Madeira, in honor of the Kohala Tennis Club, consisting of F. C. Paetow, Samuel P. Woods, W. P. McDougall and George Blake. Good cheer and song hung over the festive board until the wee hours of the morn, when all returned home in proper form, having enjoyed a very pleasant social evening, wherein best wishes and success to Kohala next year were freely given by their Hilo hosts.

The lecture last evening at the Hall church on Japan by Rev. W. D. Westervelt was highly entertaining and drew forth a good crowd. His stereoscopic views were excellent.

D. L. Van Dine, the entomologist for the Hawaiian Agricultural Experiment Station, has been spending the past two weeks on this island in research for the Department of Agriculture.

Mrs. Jarret T. Lewis left on the Enterprise for San Francisco for a vacation. She will visit her daughter, Mrs. Robinson, at Flushing, Long Island. Mrs. Lewis' two grand-children were too much of an attraction to permit her remaining away longer from her daughter and family.

Jas. Gibb and wife are arranging their private affairs in the Islands and at their home in Paaahu, preparatory to leaving the latter part of this month for a visit to Scotland. Mr. Gibb, now manager of Paaahu Plantation, will be remembered as the head luna at Wainaku several years ago.

There were about 5,200 bunches of bananas shipped on the Enterprise yesterday.

Miss Tamar Doiron is recovering from a long siege of typhoid fever. Hilo hospital is being painted throughout and the plumbing put in thorough sanitary order.

The euche party given Miss Fanny Greenfield at the residence of Mr. and Mrs. Holmes last week was one of the prettiest social functions given in Hilo. The Holmes residence was crowded with a throng of Hilo's young people who vied with each other in reckless bidding. Miss Greenfield won the ladies' prize and E. E. Richards the gentlemen's prize.

Robert James Little received news on the last mail of the death of one of his children at the Coast.

Father Oliver, after twenty years' stay in Hawaii, left on the Enterprise for a visit to his old home in Belgium. Miss Clara Wright and Miss Anna Wright of Roberts were visitors in Hilo

during the 4th of July festivities. It has been some three years since the Misses Wright were last seen in Hilo. Geo. H. Williams and A. B. Loebenstein left overland Tuesday for Mahukona to meet Commissioner Pratt, who arrived yesterday. They will probably return by way of Hamakua.

MAKING JAPANESE CONTRACTS CLEAR

The Oahu Sugar Planters' Association has taken steps to secure better translations of the profit-sharing contracts which the members of the association are using with Japanese. This is in line with the suggestion we have more than once made before, that the plantation managers try to get a better understanding with their laborers. It will prevent much trouble such as might have been prevented in the past.

An investigation of the matter will show the average manager, that a large proportion of his employees do not understand their duties under the contracts they have entered into. Many a Japanese association enters into a profit-sharing contract without having anything like a fair knowledge of the terms of the contract. The result is that when the manager strictly carries out all the provisions the Japanese are surprised by discovery of features they never knew of. They are suspicious that they have not been fairly dealt with if the discoveries are to their disadvantage, and even if convinced that the provisions were in the contract all the time, they are rightly disappointed at finding their earnings less than they had all along been expecting.

Many of the translations are in language too high for the laborers. The translations of the technical law terms of the English language into high class University Japanese produces a lot of terms of which the average laborer never heard. Consequently he does not correctly understand his status until it is brought home to him by a disappointment in income, which is a poor means of bringing such information home.

The plan of the Oahu planters, to take more care to see that the profit-sharing contracts are all thoroughly understood by the Japanese, is an important step in the right direction. Let the translating be in the right dialect, and the most simple terms that can be employed.—Hawaii Shilpo.

DEATH OF MENDELL WELCKER IS CABLED

A cablegram was received during the week announcing the death at Los Angeles on June 27 of Mr. Mendell Welcker, husband of Elise Gay of Kauai. Mrs. Welcker was a sister of Charles Gay, formerly of Makawao and now of Lanai, and a cousin of Dr. Knudsen of this city.

Toshio Onodera of the Hiroshima Immigration Company was a returning passenger by the Mongolia.

A CRUSHING BLOW FELLED LIKE AN OX AND DIZZY AND SLEEPLESS FOR WEEKS.

Rough Experience of E. C. F. Ward, of Girard, Kansas, a Veteran of Co. H., 55th Indiana.

A reporter who was seeking for Mr. Ward to get his confirmation of a statement that had been made concerning him by a fellow-townsmen, found that stalwart carpenter engaged in putting a new window frame in an old house. In response to an inquiry, the robust workman dropped nimbly to a seat on the window bench, and said:

"Yes; I owe my recovery to Dr. Williams' Pink Pills and I am always glad to tell the story for the sake of others. In fact, I think there are only two kinds of medicine worth buying—at least, only two kinds that ever did me any good—and one of them is Dr. Williams' Pink Pills for Pale People."

"You see, it was this way: I was at my work in 1892 when I felt as if I had been struck on my head by a sudden blow. My heart seemed to stop and the doctor said it missed every other beat. I went through the battle of Richmond, Kentucky, but I never had been through anything like this before. I thought surely I was going to pass in my checks this time."

"After that I had very trying dizzy spells. I had to give up work altogether and spend every other day in bed. For two months I did not leave the house. I could not concentrate my eyes on any object; I was in a state of extreme nervousness all the time. I would lie awake at night from nine o'clock until daylight. My circulation was bad and my feet always cold. The doctor admitted that his medicine was not doing me a bit of good."

"Then I decided to try Dr. Williams' Pink Pills, about which I had read in an advertisement. After three or four days use I realized that they were helping me. I began to take them in January, 1893. By the middle of February I was out and in March I resumed work as usual. I sleep without difficulty, my dizziness has never returned, and my feet are always warm when I think they are not. You may say that I think Dr. Williams' Pink Pills can't be beat for nervousness and difficulties of the blood. They are sold by all druggists throughout the world."

SMUGGLERS HARD HIT

Two Honolulu Visitors Are Heavily Fined.

A year or so ago Mrs. Boettcher and Mrs. Nellie B. Haley of Denver, were guests in Honolulu at the Hawaiian Hotel. They went on to Japan and China, and were through passengers on a steamer for San Francisco. There they were held up by the Customs inspectors and charged with attempting to smuggle valuable goods into the country.

Valuable silk rolls were found concealed in dresses, and all manner of trinkets and jewelry were disposed of in trunks and satchels to elude the vigilance of the Customs people. The following item in the San Francisco Examiner of July tells of the disposition of the matter:

The attempt of the army to bring Government influence to bear in favor of Captain William H. Harts, when that officer of the army was recently charged with attempted smuggling, has failed. Yesterday Judges de Haven of the United States District Court decided that the property which Captain Harts of the engineering corps, U. S. A., and his wife attempted to smuggle into the country should be confiscated by the Government and that the offenders should pay a fine equal to three times the amount of the appraised value of the goods. The goods were appraised at \$557.04, and so the fine was \$1,671.12.

At the same time Judge de Haven rendered a similar decision in the case of Mrs. Fannie A. Boettcher, wife of Charles Boettcher, a Denver broker, and Mrs. Nellie B. Haley, formerly Miss McMurtre of Denver. These were the wealthy women who plainly hid articles for the purpose of smuggling them into this country free of duty.

Mrs. Boettcher's goods were appraised at \$79.10; the duty would have been \$45.10. In attempting to save that duty she had to pay a fine of \$2,337.30 and forfeit the goods. Miss McMurtre's goods were appraised at \$503.36, the duty on which would have been \$181.36. The attempt at smuggling cost her a fine of \$1,510.08 and all the goods.

Strong influence was brought to bear in favor of the Denver smugglers, as well as in the case of the army officer and his wife, but the local customs officials were so thorough in their work that no loophole was left for failure to convict.

SAYS THE PRESS MUST BE FREE

ASHEVILLE (N. C.), June 29.—Judge J. C. Pritchard of the United States Circuit Court today filed his opinion in the celebrated case of Josephus Daniels, Daniels, who is editor of the Raleigh News and Observer, had been fined \$2000 for contempt of court by District Judge Purnell. Judge Pritchard's opinion will be recognized as an authority in regard to newspaper utterances that might be construed as contempt of court. The text of the decision in part follows:

"The force of public opinion in this country in favor of the freedom of the press has restrained the free exercise of the power to punish this class of contempt, and in many jurisdictions statutes have been enacted depriving the Court of the power to punish them. It was taken from the Federal courts by act of Congress of 1831, which act deprives these courts of the common-law power to protect by this process their authors, witnesses, officers and themselves against the libel of the press, though published and circulated pending the trial of a case therein."

"That newspapers sometimes engage in unwarranted criticism of the courts cannot be denied. In some cases they construe the liberty of the press as a license to authorize them to engage in wholesale abuse of the Court; but these instances are rare and do not warrant a departure from the well-settled principles of the law as declared by Congress and construed by the courts. If a Judge charged with the administration of the law is not to be criticised on account of his official conduct, the liberty of the press is abridged and the rights of individuals imperiled."

"There may be instances where the publication of editorials or other matter in newspapers would bring the author within the limitations of the statute. For instance, if a newspaper should publish an article concerning a trial which was being considered by a jury and should send a copy of the paper containing such article to the jurymen thereof during the progress of the trial for the purpose of influencing them in their decision, it would present a question whether such conduct would not be misbehavior in the presence of the Court, or so near thereto as to obstruct the administration of justice."

"It appears that the distinguished Judge who adjudged the petitioner to be in contempt of court exceeded the authority granted in the act of 1831, and that the Court was without jurisdiction. Such being the case, the judgment of the Court is void and therefore a nullity. In view of the foregoing the Court finds that the petitioner is unlawfully restrained of his liberty, and it is therefore considered and ordered by the Court that the said Josephus Daniels be discharged from the custody of the Marshal of the United States and that he go hence without delay."